

United States Senate
WASHINGTON, DC 20510-2402

COMMITTEE ON
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AGRICULTURE, NUTRITION,
AND FORESTRY

COMMITTEE ON
RULES AND
ADMINISTRATION

February 9, 2011

WFB
Wireless
Broadband
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Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

I am writing to join my Senate colleagues who have previously urged the Federal Communications Commission to move forward with a rulemaking on the data roaming obligations of commercial wireless providers. This issue has remained unresolved for some time, and I believe that prompt attention by the FCC would be a constructive step.

The FCC previously addressed the issue of roaming obligations for providers of voice services, and the August 2007 decision has been beneficial to consumers in my home state of Mississippi and the entire nation. This prior rulemaking has resulted in more consistent and reliable wireless voice communication throughout the country. Rural residents have been able to travel to other states and regions without experiencing interruptions in their wireless voice services.

However, it is now important that the FCC implement policies which would guarantee the same reliable roaming coverage with regard to data services. Americans currently use voice and data services interchangeably, and citizens may experience critical interruptions in business and personal communications when data roaming is unavailable. It is my view that unnecessary communication hurdles should be alleviated for wireless customers, and a data roaming policy which is compatible with voice roaming standards is a common sense approach which would ensure great benefits for wireless customers.

While this issue is of particular importance to wireless customers who live in rural areas in portions of Mississippi and other states, the whole country would profit from an updated approach that provides for the negotiation of automatic roaming agreements for data, in addition to voice services. I hope that the Commission will give prompt attention to this issue.

Sincerely,


THAD COCHRAN
United States Senator

cc: Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 17, 2011

The Honorable Thad Cochran
United States Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Cochran:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

For nearly 30 years, the Commission has, on a bipartisan basis, required roaming in one form or another to "continue to foster the development of seamless automatic roaming services for all [] subscribers in the nation."¹ As you are likely aware, the National Broadband Plan identified data roaming as a key element of a healthy broadband ecosystem. The Plan explained that "[d]ata roaming is important to entry and competition for mobile broadband services and would enable customers to obtain access to e-mail, the Internet and other mobile broadband services outside the geographic regions served by their providers." In April 2010, the Commission unanimously adopted a Notice of Proposed Rulemaking that sought further comment on whether to implement a data roaming requirement for wireless providers in order to ensure that Americans had access to multiple competitive providers that offer seamless nationwide voice and data coverage.

Through the record in this proceeding, it has become clear that a data roaming rule is necessary to ensure vibrant competition in the mobile marketplace, to unleash billions of dollars of investment that is currently sidelined, to create thousands of new jobs and to meet the consumer demand for seamless nationwide coverage, be it for voice or data. The record contains abundant evidence from both national and rural businesses that a data roaming rule is necessary to achieve these important goals because some providers have been unwilling to negotiate either 3G or 4G data roaming agreements or have created long delays or taken other steps to impede healthy competition and roaming for consumers. Moreover, as the mobile world moves to LTE,

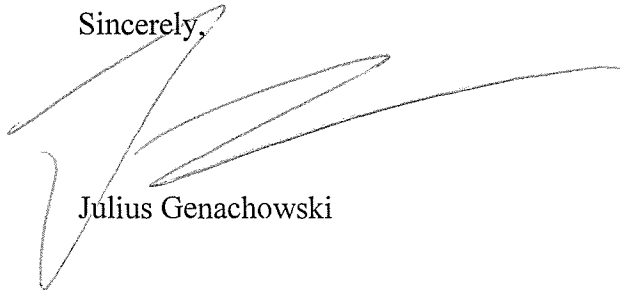
¹ Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, *Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 15817, 15831 ¶ 35 (2007).

the Commission's basic bipartisan voice roaming rules will be in jeopardy, as they will no longer ensure automatic voice roaming.

To address these issues, I have proposed data roaming rules that incent potential roaming partners to come to the bargaining table to negotiate private commercial deals. These rules also balance the need for commercial roaming agreements with the legitimate challenges posed by network congestion. Moreover, it ensures that the Commission is merely a backstop in the process, and that it is in the best interest of all parties to work out private deals without relying on the Commission.

Thank you again for taking the time to express your views on this very important matter. I am happy to answer any further questions you may have.

Sincerely,

A handwritten signature in dark ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Julius Genachowski.

Julius Genachowski